

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

OBBY RUSSELL PICKARD,

Plaintiff,

v.

No. 1:11-cv-01151-JDB-egb

WERNER LADDER CO.,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On August 3, 2012, the Plaintiff, Obby Russell Pickard, filed a motion to dismiss without prejudice pursuant Rule of Civil Procedure 41(a)(2) on the basis that the he was unable to locate an expert witness. (Docket Entry ("D.E.") 18.) The Court referred the motion to United States Magistrate Judge Edward G. Bryant for a report and recommendation. (D.E. 21.) On October 1, 2012, Judge Bryant issued a report and recommendation, finding that the Plaintiff was entitled to a dismissal without prejudice but also recommending that any refiling be subject to certain conditions as stated and that the Plaintiff reimburse the Defendant for certain costs and expenses. (D.E. No. 24.) According to the Court's docket, no objections to the magistrate judge's report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), and the time for filing objections has passed. See Fed. R. Civ. P. 72(b).

After a review of the magistrate judge's report and recommendation, the Court ADOPTS Judge Bryant's findings and recommendations, and Plaintiff's motion to dismiss without prejudice, along with the conditions to Plaintiff's refiling and the reimbursement by Plaintiff to Defendant of certain fees and expenses, are GRANTED.

IT IS SO ORDERED this 19th day of October, 2012.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE